

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/001068

International filing date (day/month/year)
11.03.2004

Priority date (day/month/year)
11.03.2003

International Patent Classification (IPC) or both national classification and IPC
A47F3/08, F25D25/00, B65G1/02

Applicant
FARRAR, Steven

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|--------------|
| Novelty (N) | Yes: Claims | 6,9,10,12-17 |
| | No: Claims | 1-5,7,8,11 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-17 |
| Industrial applicability (IA) | Yes: Claims | 1-17 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2. Reference is made to the following documents:

- D1: GB-A-2 324 597 (BROWN ROBERT) 28 October 1998 (1998-10-28)
- D2: GB-A-2 247 673 (MACDONALD BRUCE) 11 March 1992 (1992-03-11)
- D3: DE 32 08 540 A (JOSEPHY SIEGFRIED) 22 September 1983 (1983-09-22)
- D4: US-A-4 123 130 (LOCKE LILLIAN) 31 October 1978 (1978-10-31)
- D5: DE 10 27 500 B (RICHARD MARKUS) 3 April 1958 (1958-04-03)
- D6: FR-A-1 111 040 (VALENTE LUIS M) 21 February 1956 (1956-02-21)

Lack of novelty

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Claim 1

2.2 The document **D1** discloses in page 1, line 1 to line 21, figures 1,2 (the references in parentheses applying to this document):

An article movement device for use in a storage area having at least one surface (1) thereon to allow the support of said article movement device, where the said article movement device includes guide means (2,5) positionable in the storage area so as to define a path for movement of articles, said guide means (2,5) positioned on or supported by said at least one surface of the storage area.

All technical features of claim 1 are known from D1.

2.3 Claim 1 is unduly broad containing a minimum of trivial technical features. Documents D2 and D3 also anticipate all technical features of claim 1.

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Dependent claims

- 2.4 Dependent claims 2-17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see documents D1, D4, D5, D6 and the corresponding passages cited in the search report.

The technical features of claims 9 and 10, namely lateral movement means for the articles in claim 9 and movement means inter-engaging each other in claim 10, consist one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed. In other words lateral movement means in claim 9 could be a conveyor with impellers pushing the articles along the path, and the inter-engaging movement means of claim 10 could be the traction chain carrying the impellers. The subject-matter of claims 9, 10 does not involve an inventive step (Article 33(3) PCT).